

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WARNER VALLEY FARM, LLC,

Plaintiff,

v.

SWN PRODUCTION COMPANY,
LLC,

Defendant,

and

REPSOL OIL & GAS USA, LLC,

Intervenor-Defendant

No. 4:21-CV-01079

(Chief Judge Brann)

JANUARY 24, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED:**

1. Plaintiff Warner Valley, LLC's motion for partial summary judgment (Doc. 23) is **DENIED**.
2. Defendant SWN Production Company, LLC's motion for partial summary judgment (Doc. 25) is **GRANTED**. Accordingly, Count III of Warner Valley's Complaint is **DISMISSED**.

3. Defendant Repsol Oil & Gas USA, LLC's cross-motion for summary judgment (Doc. 47) is **GRANTED**. Accordingly, Count I of Warner Valley's Complaint is **DISMISSED**.¹
4. The Court issues the following declarations:
 - a. The 2006 Lease authorizes the drilling and operation of oil and gas wells for which the horizontal lateral extends into two or more drilling or production units.
 - b. The 2006 Lease does not require the entirety of each oil and gas well to be located within a single drilling or production unit.
 - c. Act 85 is a valid and enforceable legislative enactment.
5. A telephonic status conference with counsel of record will be scheduled by separate Order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

¹ As indicated in the accompanying Memorandum Opinion, although no party has moved for judgment on Count I, the declaratory judgment Repsol seeks disposes of the legal issue raised in Count I. A declaration that the 2006 Lease authorizes cross-unit drilling means that Defendants use of cross-unit drilling did not breach the 2006 Lease.